

## Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 EA-07 ISO-00 CIAE-00 DODE-00 PM-04

H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 COME-00 EB-07 LAB-04 SIL-01

DHA-02 IO-13 TRSE-00 CU-02 /104 W

-----201929Z 106086 /45

P 181050Z MAY 77

FM AMCONSUL JOHANNESBURG

TO SECSTATE WASHDC PRIORITY 6027

INFO AMEMBASSY BONN

AMCONSUL CAPE TOWN

AMEMBASSY LONDON

AMEMBASSY PRETORIA

AMEMBASSY TOKYO

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CAPE TOWN ALSO FOR EMBASSY

DEPARTMENT PLS PASS AFL-CIO

E.O. 11652: N/A

TAGS: ELAB, PINT, SF

SUBJECT: COMMISSION OF INQUIRY INTO LABOR LEGISLATION.

1. SUMMARY: A CABINET DECISION HAS BEEN TAKEN TO ESTABLISH A COMMISSION OF INQUIRY INTO SOUTH AFRICAN LABOR LEGISLATION. THE COMMISSION IS TO BE HEADED BY PROFESSOR NIC WIEHAHN WHO IS COMMITTED TO CREATING A UNITARY SYSTEM OF LABOR REGULATIONS FOR ALL SOUTH AFRICAN WORKERS AND MOVING AWAY FROM RACIAL DISCRIMINATION IN THE WORKPLACE. THE SOUTH AFRICAN GOVERNMENT APPEARS TO HAVE CHOSEN THE FIELD OF LABOR LEGISLATION TO BEGIN FULFILLING ITS REPEATED PROMISES OF CHANGE. WHILE LABOR RELATIONS ARE SEEN BY MANY AS THE KEY TO SOUTH AFRICA'S SYSTEM OF RACIAL DISCRIMINATION, ACHIEVING MEANINGFUL CHANGE WILL NOT BE AN EASY TASK EVEN

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WITH THE BEST POSSIBLE INTENTIONS. END SUMMARY.

2. MINISTER OF LABOR S.P. BOTHA ANNOUNCED IN PARLIAMENT ON MAY 12 A CABINET DECISION TO ESTABLISH A COMMISSION OF INQUIRY INTO SOUTH AFRICA'S LABOR LEGISLATION. THE NEWLY APPOINTED ADVISOR TO THE MINISTER, PROFESSOR NICOLAS E. WIEHAHN (FOUNDER AND FORMER DIRECTOR OF THE INSTITUTE

OF LABOR RELATIONS AT THE UNIVERSITY OF SOUTH AFRICA) IS TO HEAD THE COMMISSION. WHILE OTHER MEMBERS HAVE NOT YET BEEN ANNOUNCED, IT IS EXPECTED THAT ARTHUR GROBBELAAR, GENERAL SECRETARY OF THE TRADE UNION COUNCIL OF SOUTH AFRICA, WHO HAS BEEN CALLING FOR SUCH A COMMISSION FOR SOME TIME, WILL BECOME ONE OF THE MORE PROMINENT MEMBERS.

3. OPPOSITION LABOR SPOKESMEN GIDEON JACOBS (UNITED PARTY) AND ALEX BORAINÉ (PROGRESSIVE REFORM PARTY) WELCOMED BOTH THE DECISION TO ESTABLISH THE COMMISSION AND THE SELECTION OF WIEHAHN TO HEAD IT.

4. WIEHAHN HAS BEEN OUTSPOKENLY CRITICAL IN HIS PRIVATE AND PUBLIC STATEMENTS OF WHAT HE CALLS SOUTH AFRICA'S DUALISTIC LABOR LEGISLATION WITH ONE SYSTEM OF REGULATIONS FOR WHITES, COLOREDS AND ASIANS AND ANOTHER FOR BLACKS. WIEHAHN ADVISED THE REGIONAL LABOR OFFICER IN A CONVERSATION BEFORE THE MINISTER'S PUBLIC ANNOUNCEMENT THAT HE WOULD LIKE TO SEE THE COMMISSION RECOMMEND COMBINING THE BEST FEATURES OF THE INDUSTRIAL COUNCILIATION ACT (ICA) AND THE BANTU LABOR REGULATIONS ACT (BLRA) TO PROVIDE FOR A UNITARY SYSTEM OF LABOR REGULATIONS FOR ALL SOUTH AFRICAN WORKERS. THIS COULD BE ACCOMPLISHED BY INCLUDING BLACKS WITHIN THE DEFINITION OF EMPLOYEES UNDER THE ICA AND EXTENDING THE LIAISON COMMITTEE SYSTEM ESTABLISHED UNDER THE BLRA TO ALL RACES.

5. IN A BROADER SENSE WIEHAHN EMPHASIZED HIS COMMITMENT TO SEE S.A. MOVE FROM ITS CURRENT RACIALLY DISCRIMINATORY SYSTEM OF LABOR REGULATIONS TO NON DISCRIMINATION. THIS WOULD INVOLVE ELIMINATING THE SYSTEM OF JOB RESERVATION, WHICH LIMITED OFFICIAL USE

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EXCLUDES BLACKS FROM CEGOAIN CATEGORIES OF WORK. JOB RESERVATION MANIFESTS ITSELF IN THREE WAYS: THROUGH ARTICLE 77 OF THE ICA WHICH RESTRICTS 2.3 PERCENT OF ALL JOBS IN SOUTH AFRICA TO WHITES; THROUGH INDUSTRIAL COUNCIL AGREEMENTS NEGOTIATED BETWEEN EMPLOYEES AND TRADE UNIONS; AND THROUGH CUSTOMARY PRACTICE. WIEHAHN SAID HE HOPES TO WIN GOVERNMENT APPROVAL FOR THE ELIMINATION OF THE FIRST OF THESE THREE FORMS OF JOB DISCRIMINATION THEREBY PUTTING PRESSURE ON THE TRADE UNIONS AND MANAGEMENT TO ELIMINATE THE SECOND. "A CONSCIOUS POLICY OF ANTI-DISCRIMINATION SUCH AS THAT IN THE UNITED STATES WOULD BE REQUIRED TO REMOVE THE THIRD."

6. COMMENT: THE SOUTH AFRICAN GOVERNMENT IN MAKING THIS DECISION APPEARS TO HAVE CHOSEN LABOR POLICY TO DEMONSTRATE ITS INTENT TO BEGIN FULFILLING THE PROMISES OF CHANGE MADE OVER THE PAST TWO YEARS. BY INTRODUCING IMPORTANT CHANGES IT MAY BE ABLE TO GET OUT OF AN INCREASINGLY UNTENABLE POSITION IN THE LABOR FIELD. INTERNALLY, GOVERNMENT

HAS BEEN MADE AWARE OF A NEW MILITANT MOOD AMONG BLACK WORKERS SINCE THE BLACK STRIKES IN 1973 AND THE TOWNSHIP DISTURBANCES LAST YEAR. EXTERNALLY, GOVERNMENT IS FACING INCREASING INTERNATIONAL PRESSURE AND APPARENTLY WILLING TO CONCED THAT JOB RESERVATION AND OTHER DISCRIMINATORY PRACTICES DAMAGE SOUTH AFRICA'S IMAGE WHILE NOT MATERIALY AIDING OR PROTECTING WHITE WORKERS.

7. IT, OF COURSE, IS NOT A FOREGONE CONCLUSION THAT MEANINGFUL CHANGE WILL ACTUALLY OCCUR. IN ORDER FOR THE COMMISSION'S FINDINGS TO BE MEANINGFUL, IT WOULD HAVE TO BE MULTI-RACIAL. THE MINISTER OF LABOR WILL HAVE TO OVERCOME RESISTANCE IN THE CABINET WHICH SUPPRESSED THE FINDINGS OF A SIMILAR COMMISSION IN THE EARLY 1950'S RECOMMENDING THAT BLACKS BE GIVEN TRADE UNION RIGHTS. IN ADDITION TO ESTABLISHING A UNITARY SYSTEM AND ELIMINATING STATUTORY JOB RESERVATION, SEVERAL OTHER KEY PIECES OF LEGISLATION SUCH AS THE SHOPS AND OFFICES ACT AND THE FACTORIES, LIMITED OFFICIAL USE

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MACHINERY AND BUILDING WORKERS AMENDMENT ACT WOULD HAVE TO BE COMPLETELY OVERHAULED IN ORDER TO EASE RACIAL DISCRIMINATION. THOSE ASPECTS OF THE BANTU LABOR REGULATIONS ACT WHICH SYNCHRONIZE WITH THE PASS LAWS AND INFLUX CONTROLS TO INHIBIT THE MOBILITY OF BLACK WORKERS AND PREVENT THE DETERMINATION OF WAGE RATES BY COLLECTIVE BARGAINING PROCEDURES WOULD ALSO HAVE TO BE CHANGED AS WELL AS ELIMINATION OF THE PROHIBITION OF BLACK MEMBERSHIP IN REGISTERED UNIONS.  
KIRBY

NOTE BY OC/T: NOT PASSED AFL-CIO.

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## Message Attributes

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